

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jackson Streeter et al.	Group Art Unit: 3739
App. No.	:	10/764,986	
Filed	:	January 26, 2004	
For	:	LOW LEVEL LIGHT THERAPY FOR THE ENHANCEMENT OF NEUROLOGICAL FUNCTION	
Examiner	:	Henry M. Johnson, III	

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant petitions under 37 C.F.R. § 1.48(a) to correct the inventorship of the above-identified patent application. In particular, Applicant wishes to add the following name, omitted by error, as an inventor to the above-identified application:

Name: Luis De Taboada
Residence Address: 2349 Longfellow Road, Carlsbad, CA 92008
Citizenship: U.S.

Pursuant to the requirements of 37 C.F.R. § 1.48(a), transmitted with this request are:

- (1) "Statement by Person Being Added as Inventor Under 37 C.F.R. § 1.48(a) to Correct Inventorship," signed by Luis De Taboada and stating that the inventorship error occurred without deceptive intention on his part;
- (2) "Declaration – USA Patent Application" signed by the actual inventors as required by 37 C.F.R. § 1.63;
- (3) Copy of "Assignment" signed by Luis De Taboada assigning his rights to the above-identified patent application to the Assignee, PhotoThera, Inc.
- (4) "Written Consent of the Assignee to Correction of Inventorship Under 37 C.F.R. § 1.48(a);" and
- (5) Processing fee for correction of inventorship set forth in 37 C.F.R. § 1.17(i).

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(X) Calculated Fees will be paid via EFS Web.

Please charge Deposit Account No. 11-1410 for any fee deficiency.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/30/07

By: 

Bruce S. Itchkawitz
Registration No. 47,677
Customer No. 20,995
(949) 760-0404

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jackson Streeter et al.

Group Art Unit: 3739

Appl. No. : 10/764,986

Filed : January 26, 2004

For : LOW LEVEL LIGHT THERAPY FOR
THE ENHANCEMENT OF
NEUROLOGICAL FUNCTION

Examiner : Henry M. Johnson, III

STATEMENT BY PERSON BEING ADDED AS INVENTOR UNDER 37 C.F.R.
§ 1.48(a) TO CORRECT INVENTORSHIPCommissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

I, Luis De Taboada, do declare as follows:

1. I am a citizen of the United States of America residing at 2349 Longfellow Road, Carlsbad, California 92008.

2. The above-identified patent application was filed on January 26, 2004 listing Jackson Streeter as the sole inventor.

3. I believe that I, Luis De Taboada, should also be named as an inventor in the above-identified application.

4. The error in inventorship occurred without deceptive intent on my part.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Date: 9/14/2007

Signature: 

Luis De Taboada

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **LOW LEVEL LIGHT THERAPY FOR THE ENHANCEMENT OF NEUROLOGICAL FUNCTION**; the specification of which was filed on **January 26, 2004** as Application Serial No. **10/764,986** and was amended on **March 25, 2004**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/442,693

Filing Date: January 24, 2003

Application No.: 60/487,979

Filing Date: July 17, 2003

Application No.: 60/537,190

Filing Date: January 19, 2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jackson Streeter

Inventor's signature _____

Date _____

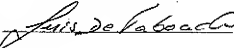
Residence: 3250 Marthiam Avenue, Reno, NV 89059

Citizenship: U.S.

Mailing Address: Same as above

Full name of second inventor: **Luis De Taboada**

Inventor's signature



Date

8/14/2007

Residence: **2349 Longfellow Road, Carlsbad, CA 92008**

Citizenship: **U.S.**

Mailing Address: **Same as above**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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ASSIGNMENT

WHEREAS, I, Luis De Taboada, a U.S. citizen, residing at 2349 Longfellow Road, Carlsbad, CA 92008, have invented certain new and useful improvements in a LOW LEVEL LIGHT THERAPY FOR THE ENHANCEMENT OF NEUROLOGICAL FUNCTION for which I have filed an application for Letters Patent in the United States, Application No. 10/764,986, filed January 26, 2004;

AND WHEREAS, PhotoThera, Inc. (hereinafter "ASSIGNEE"), with its principal place of business at 2260 Rutherford Road, Suite 101, Carlsbad, CA 92008, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of October, 2007.

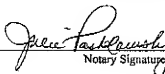

Luis De Taboada

STATE OF California }
COUNTY OF San Diego } ss.

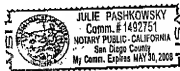
On October 1, 2007 before me, Luis De Taboada, personally appeared Luis De Taboada personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

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Examiner : Henry M. Johnson III

Group Art Unit: 3739

WRITTEN CONSENT OF THE ASSIGNEE TO CORRECTION OF
INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

The assignee of the above-captioned patent application, PhotoThera, Inc., consents to the correction of inventorship under 37 C.F.R. § 1.48(a) by adding Luis De Taboada as an inventor.

A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto.

PhotoThera, Inc.

Date: 9/14/2007

Signature: 

Luis De Taboada
Vice President of Engineering
PhotoThera, Inc.
2260 Rutherford Road, Suite 101
Carlsbad, CA 92008